

**JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY
MEETING NOTES**

**September 17, 2010 - 10:00 a.m.
Texas Association of Counties, Austin**

I. Call to Order

Justice Simmons called the meeting to order at 10:15 a.m.

JCIT Members:

Chair, Justice Rebecca Simmons
Honorable Gary Harger
Honorable Dain Johnson
David Slayton
Honorable Frank Summers
Ed Wells
Bob Wessels

JCIT Liaison Members:

Miles Brissette
Randy Chapman
Honorable John Dietz
Honorable Gary Fitzsimmons
Doug Gowin
Honorable Blake Hawthorne
Laura Hinojosa (via phone)
Roland Johnson (via phone)
David McAtee
Honorable Lamar McCorkle
Cynthia Orr
Honorable Louise Pearson
Carl Reynolds
Sian Schilhab
Mark Unger
Dennis Van Metre
Jimmy Vaught
Peter Vogel
John Warren
Dianne Wilson
Sherri Woodfin

Others in attendance:

Tammy Carter, CaseFileXpress
Danikae Doetsch, 345th District Court
Michael Dunn, Sierra Systems
Charles Gray, Conference of Urban Counties
Joel Green, County Information Resources Agency

Jan Halverson, Texas Association of Counties
Jeff McCartney, NIC
Alan Gonzales, New Dawn Technologies
Gary Miglicco, CaseFileXpress
Katie Ogden, Senator Wentworth's Office
Ellen Pate, Department of Information Resources
Brad Smith, Mentis Technology Solutions
Kristy Smith, Dallas County
Jake Stine, NIC
Ashley Storm, Senator Wentworth's Office
Christopher Summers, Travis County Justice Courts
Martin Zelinsky, Department of Information Resources

Office of Court Administration Staff:

Mary Cowherd
Casey Kennedy
Scott Jones
Yolanda Alemán

II. Welcoming new and returning members

Justice Simmons welcomed the group and went over basic procedures and governing documents for JCIT.

Due to the large number of new members to JCIT, Justice Simmons asked everyone around the table to introduce themselves.

Justice Simmons requested that all members review the contact information sheet for accuracy.

III. Introduction of Casey Kennedy as the OCA Liaison

Casey Kennedy was introduced as the new Information Services director for the Office of Court Administration. Casey spoke about his experience and what he learned at the e-Courts Conference and CITOC meeting he attended the preceding four days.

IV. Administrative Information

A. Minutes of June 25, 2010

Due to a lack of quorum, the minutes for the June 25, 2010 meeting were not considered.

B. Reimbursement

Reimbursement forms were included in the meeting packets. Only voting members of JCIT are allowed to be reimbursed for travel expenses associated with attending JCIT meetings. Liaison members are not eligible for reimbursement. Meals are not included.

C. Attendance Requirements

There are four (4) meetings scheduled per year. The meeting packet included information regarding meeting attendance for continued membership in JCIT.

D. Meeting dates for 2010-2011

JCIT meetings for the near future have been scheduled for the following dates:

- Thursday, November 18, 2010
- Friday, February 25, 2011
- Friday, April 8, 2011

V. Subcommittee Reports

Justice Simmons spoke about the three (3) subcommittees within JCIT and asked each committee chair to give a brief report.

A. Case Management

David Slayton, chair of the case management subcommittee gave an overview of the responsibilities of the case management subcommittee. Mr. Slayton reported that case management is waiting to see what happens with eFiling as well as other case management systems and processes being developed by the Conference of Urban Counties (CUC) and County Information Resources Agency (CIRA).

B. eFiling

Blake Hawthorne, co-chair of the eFiling subcommittee gave an overview of the responsibilities of eFiling subcommittee. The subcommittee is looking at the funding model of the current statewide eFiling system and implementation of statewide eFiling in both the civil and criminal realms. Mr. Hawthorne reported on several of the funding models being considered.

C. Data Standards

Bob Wessels, chair of the Data Standards subcommittee gave an overview of the activities of the data standards subcommittee. Mr. Wessels reported that the committee spent the past year looking at issues related to eFiling and the recommendation of standard cover sheets for different case types. Mr. Wessels then spoke about the issue of document types and the need to standardize them across the state.

VI. Report from NIC eFiling

Jake Stine from NIC gave a report on the statewide eFiling project currently underway. Mr. Stine reported that the month filings have been averaging 38,000 filings per month and continue to grow. Only 47 counties (74% of the state's population) are using eFiling.

Mr. Stine then spoke about the issues facing the current eFiling portal. Issues include:

- The cost of the system greatly outpaced the revenue (NIC has spent 10.5

million dollars to date)

- The system is underutilized (47 of 254 counties are using the system)
- The technology supporting the portal is outdated and in some places is unsupported.
- The system capacity is limited to about 50,000 filings per month.

Mr. Stine then spoke about the steps being taken by NIC to increase the capacity of the system to handle 80,000 filings per month, but that fundamental changes will be needed in order to sustain the portal.

Mr. Stine talked about the next steps of upgrading the underlying technology to the latest iteration. He said that this would increase system performance. He reported that the system architecture would still need to be revisited. NIC proposes that the entire system be re-written and be re-architected to serve the remaining counties. He reports that the expense for these actions will cost a significant amount of money. Mr. Stine explained to the group that NIC seeks a win-win-win solution to continue the development of the eFiling portal.

Judge Summers asked about marketing efforts underway from the group. Ms. Dianne Wilson spoke to the marketing that had taken place in her county. She then talked about the issues surrounding the adoption of eFiling including:

- The lack of a mandate
- The convenience of walking the filing across the street from the courts.
- The majority of judges want to see the printed copy. The clerks then must print and copy (additional cost and resources for the court)
- Some have no interest in the technology or do not have the infrastructure resources to support it.

Ms. Wilson talked about the need for a statewide system that can demonstrate a value for the rural counties in order to improve adoption.

The group expressed the need for additional marketing for the smaller counties. Mr. Stine explained that NIC has people on the ground to present eFiling to the rural counties and has presented at several conferences.

The talked about problems with integration of the eFiling portal with the backend case management system. Mr. Miles Brissette asked Mr. Stine about the use of National Information Exchange Model (NIEM) and if eFiling could use that in order to provide a better integration. Mr. Stine stated he would explore that idea.

Mr. Wessels then explained the concept of NIEM to the group and that it is a standard data exchange model for government. Several state agencies and local governments are already using NIEM for various tasks and the use of it will continue to grow.

Judge Dietz then asked if anyone would advocate a technology strategy for a uniform solution statewide. He expressed concerns that eFiling is not mandated, the current

funding model isn't working and that the state may end up with multiple approaches to eFiling. Judge Dietz concluded that until the group can standardize the exchange of information between eFiling and all the counties that the toll-road model with possible modification would need to continue.

Mr. Wessels spoke about the problems at the local level in arriving at a standard data model. He spoke about the model of an additional fee to all cases to fund the evolution of eFiling. Mr. Wessels also spoke about the need for a document storage strategy as well to facilitate disaster recovery. Mr. Wessels said that until the authoritative groups give the power to another group to make the counties share the same data model, the problems will continue.

The group then discussed that having a shared data model might facilitate additional counties using private eFiling vendors, creating more disjoint systems. The group discussed the value of promoting the disaster recovery benefits of eFiling and electronic document management.

Justice Simmons talked about judges as a barrier to eFiling and asked Judge Dietz to give his perspective on adopting new technology.

Judge Dietz talked about how time is the groups ally. He talked about after three to four years, the utility of eFiling became apparent to the other judges. He also spoke about not necessarily going paperless, but going to paper on demand when needing a paper copy. Judge Dietz hopes that the younger generation will adopt the system more readily.

Justice Simmons also talked about the hurdles with eFiling from an attorneys perspective. The group discussed additional costs to the counties when they pay for paper in order to provide citations. The group also talked about cost savings when sending service copies electronically. Travis County spoke about their electronic system to send citations and other service items directly to authorized process servers.

Mr. Vogel spoke about programs and events used to educate attorneys on eFiling. He spoke about the need to get local Bars involved in educating attorneys. The group talked about the need to add county commissioners and judges in the education of eFiling.

Judge Summers talked about the need to mandate eFiling at some level in order to get some clerks and judges on board. He also spoke about the need to show the amount of money a county can save once they go to eFiling.

Justice Simmons requested that Judge Summers form a subcommittee to look at approaches to educating the more rural counties on eFiling.

Judge Dietz talked about his experience in mandating eFiling and the pushback received. Once mandated, the exemption process has been used less than ten times.

VII. Strategies for 2010-2011

Justice Simmons talked about the need for JCIT to determine and recommend a new funding model to propose to the legislature for the next session. The new model should be cost neutral and allow funds to be raised in order to embark on technology projects for use statewide.

Mr. Wessels commented on the fee model and cautioned the group that other fees are no longer used for the purpose which they were originally intended.

The group then talked about various uses that the fee could be used for including an inexpensive case management system, document management system and case search. The group also discussed the option of mandating eFiling in addition to having a technology fee. The various approaches to fees were also discussed. The group discussed the approach to making court documents available online and possible revenue streams associated with it. Privacy issues with regards to eFiling and making documents available online were also discussed.

Judge Dietz commented on the technology fee approach and that the group needs to be sure of the revenue projections and to be conservative with the estimates. Ms. Wilson also commented that some judges in her county waive fees that they don't like. The group raised additional issues such as collection issues, and the possibility of the legislature taking money from the fund.

The discussion concluded with the group in agreement that the funding model needs to be changed from the existing model.

VIII. iPad applications

Mr. Mark Unger discussed the iPad and its emerging competitors. He talked about up and coming PDF annotation applications that will allow judges to sign orders on the iPad. Mr. Unger let the group know that iPad usage will continue to grow and that application requirements should be developed so that EFSPs can begin to allow documents to be signed via iPad. The current limitation is that signatures are stripped from the document when travelling through the eFiling process.

IX. Proposed Letter to Supreme Court

Justice Simmons asked the group to read the proposed letter to the Supreme Court and asked if any changes were needed. The group noted that the statement about mandating eFiling should be changed to state that provided a funding model change, that eFiling should be mandated. Several other minor corrections were also noted. Justice Simmons will make the changes prior to sending the letter to the Supreme Court.

X. Adjournment

Justice Simmons thanked everyone for staying past the allotted time and let everyone know that the committee chair would be contacting them about additional work that

may need to be done.

Justice Simmons adjourned the meeting at 12:30 p.m.